

Notice of Allowability

Application No.

10/689,129

Examiner

Mitra Aryanpour

Applicant(s)

ELLIS, CLYDE B.

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Application filed 20 October 2003.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ The drawings filed on 20 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20 October 2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

This Examiner's Amendment follows an Election/Restriction Requirement discussed with Applicant's Attorney on 05 November 2004. The details of the Election/Restriction are as follows.

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, drawn to a device for calculating where a cue ball must cause an object ball to strike, classified in class 473, subclass 2.
 - II. Claims 6-8, drawn to a method for calculating where a cue ball must cause an object ball to strike, classified in class 473, subclass 1.
2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case *process can be practiced without the aid of a guide, an object ball arm and/or a cue ball arm*.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, and because these inventions are distinct for the reasons given above and have acquired

Art Unit: 3711

a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Louis Rowell on 05 November 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-5.

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lewis Rowell on 05 November 2004.

The application has been amended as follows:

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lewis Rowell on 05 November 2004.

The application has been amended as follows:

In the Specification:

On page 2, line 13, "a" is changed to --an-- before "object ball".

On page 4, line 10, "," has been deleted after ".".

On page 6, line 32; on page 7, line 18; on page 8, lines 6, 17 and 25; on page 9, line 11; and on page 10, line 1 "slot 162a" has been changed to --slot 162c--.

NOTE: The above changes have been made to overcome informalities, in order to put this application in condition for allowance.

In the Claims:

Claims 6-8 have been cancelled.

2. The following is an examiner's statement of reasons for allowance: Claims 1-3 are allowable over the prior art of record, because the prior art does not show or suggest the combination of a device for calculating where a cue ball must cause an object ball to strike the bumper of a billiards table comprising a plotting board having a scaled playing table portion, at least one scaled mirror portion, a plotter having a guide and an object ball arm. Claims 4 and 5 are allowable over the prior art of record, because the prior art does not show or suggest the combination of a device for calculating where a cue ball must strike the bumper of a billiards table in order to rebound and strike an object ball comprising a plotting board having a scaled playing table portion, at least one scaled mirror portion, a plotter having a guide, an object ball arm and a cue ball arm pivotally connected to one end of the object ball arm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3711

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 703-308-3550. The examiner can normally be reached on Monday - Friday 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA
15 November 2004



MITRA ARYANPOUR
PATENT EXAMINER